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C O N F I D E N T I A L SECTION 01 OF 02 MASERU 000373

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SUBJECT: NEXT STEPS ON ARTICLE 98

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REASON: 1.4 (b), (d)

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11. (C) Ambassador met July 19, 21 and 25 with Foreign Minister Moleleki concerning Article 98. We learned from a United Kingdom (UK) source that arguments against Article 98 had been developed by the European Union (EU) at an informal Cabinet meeting chaired by the Deputy Prime Minister (DPM) during the Prime Minister's absence the week of July 11. According to Moleleki, FOMIN expressed strong opposition to the EU's position and advised that his colleagues in the Cabinet support Lesotho's becoming a signatory to an Article 98 Agreement with the U.S. During July 15 and subsequent conversations, Moleleki told Ambassador that he had observed a moderation in the position of the DPM who had previously been strongly opposed. The DPM currently, according to Minister of Foreign Affairs, has observed that it is in "Lesotho's national interest" to sign this agreement which obviously is a key concern for the U.S., a major ally of this nation.

12. (C) In discussing how best to make progress on this issue on July 25, Foreign Minister Moleleki said that all members of the Cabinet, he felt, were fully on board and recognized the necessity of signing; the only person who has not been convinced remained the Prime Minister, in his opinion. Moleleki is aware, as are several members of the Cabinet, of the 2004 Nethercut Amendment which restricts some ESF funding to non-signatory countries. He said he could fully understand the position of the U.S. legislature and any future other restrictions, particularly in light of the fact that so many African countries have become signatories in the past few years, including many of the Millennium Challenge Account (MCA) countries. Ambassador stated that we recognized the continued presence and pressure that Lesotho felt from South Africa, a phenomenon Moleleki refers to as the "short man" scenario, i.e. Lesotho always feels as though it is being badgered by its taller and larger big brother next door. However, FOMIN believes that it would be helpful for the PM to hear not only from us, but also from signatories in the region; that it would be especially useful for the PM to hear from Botswana's President Mogae. He also suggested that Lesotho's own Ambassador to Washington call the PM and discuss the importance of this matter. Moleleki felt that he himself was not the right person at this time to put pressure on the PM. As we have reported previously, the PM can be a very prickly and difficult character with whom to deal. Moleleki has told us that he was spoken to dismissively by the Prime Minister when the FOMIN had come with a message the PM did not want to hear; he was told to "sit down and be quiet, young man." Therefore, having a variety of messengers approach Mosisili at the right time seems to be key to swaying his opinion which we will continue to pursue. Ambassador told Moleleki that we continue to raise this issue at high levels, with their perceived threatening neighbor, South Africa, and that there had been significant support from most African countries. Moleleki thought a high level bilateral discussion on the edges of the UNGA could be helpful in persuading the Prime Minister on the Article 98 issue.

13. (C) Comment: The Foreign Minister expressed his own very deep frustration in working with the Prime Minister. We have heard rumors that he is beginning to consider resigning from the MFA post. For the moment, it appears Moleleki will remain in place, but we should understand that the FOMIN is an extremely popular, charismatic individual who is also an elected official, which the PM is not, and it is easy to understand that the PM

would see him as an internal rival within the ruling party. A recent article characterized Minister Moleleki as one of the most powerful political leaders in the ruling party, and recalled that "he has his people everywhere, in every ministry." It is now believed that the PM, who at one point observers believed would step down, will compete to hold on to his position and that he wishes to remain the incumbent following

MASERU 00000373 002 OF 002

the 2007 national elections. It is clear that although many Basotho view Moleleki as the natural heir to the government's top job, Mosisili has his own ideas about succession. This internal political drama may help to explain, to some degree, the PM's adamant stance against the Article 98 Agreement. His is not the type of personality who likes to be "bested" in any competition. His Cabinet, on the other hand, views the world through realpolitick lenses and wishes to move forward. Moleleki (according to sources in and out of government) has become the most vocal of those pressing a more realistic and, ultimately, beneficial approach to foreign policy, particularly in regard to the U.S.

14. (C) Against this backdrop, it becomes a bit clearer why rational, legal arguments do not work with PM Mosisili; this is not a question of logic, it is a question of personality, external forces (particularly South Africa and to some degree the EU) and internal political infighting. That said, post agrees that the GOL Ambassador's call to the Prime Minister would re-emphasize the importance of this matter and that post continue to dialogue with PM, FOMIN and with other key ministers, e.g. Finance and Trade. If progress is not obvious by mid-September, we suggest considering a bilateral at some point during the UNGA. End Comment

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